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LETTER DATED 3 FEBRUARY 1993 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to submit, enclosed herewith, a letter by Dr. Mate Granic and Mr. Vladimir Seks, Deputy Prime Ministers of Croatia, addressed to you.

I would kindly ask for your assistance in distributing this letter as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative

Annex

Letter dated 2 February 1993 from the Deputy Prime Ministers of Croatia addressed to the Secretary-General

The Republic of Croatia, its authorities, public opinion makers and above all the population victimized and displaced due to the war aggression but nevertheless eagerly looking forward to a peaceful solution of the crisis, are patiently sustaining the unfulfilment of the internationally approved commitments taken by the "FR of Yugoslavia". Today, "FR of Yugoslavia" keeps hundreds of forcibly taken away and imprisoned Croats in their detention camps.

Systematically and quite intentionally "FR of Yugoslavia" failed to fulfil their assumed commitments to all international contracts and agreements agreed upon and signed by the two Governments in supportive cooperation with the International Committee of the Red Cross.

The authorities of the "FR of Yugoslavia" together with their army forces, paramilitaries and illegal Serbian local authorities in the occupied territories of the Republic of Croatia are responsible for almost 14,000 people, who either disappeared, were forcibly taken away or were detained.

Concurrently, by applying the methods and constructing the trials abusing the legal systems of modern States, detainees have been exposed to most severe atrocities, political pressures and so-called legal trials, beyond the control of public, in which individuals were denied their lawful right on self-defence. Croats from the most damaged or totally destroyed territories (Vukovar, Beli Manastir, Dalj, Drnis and others) subjected to ethnical cleansing in order that they could be finally colonized by Serbian population. are intentionally kept imprisoned to be sentenced to severest punishments. For its special purposes of blackmail and political pressure "FR of Yugoslavia" keeps the so-called Sombor group, citizens of Vukovar as well as all imprisoned Croats from Slavonia and Barania in detention refusing to obey its commitments in compliance with the principles of the Peace Conference.

By denying the international community and its authorities the right of access to all localities of mass graves in the occupied territories of the Republic of Croatia as well as by its constant refusal to publicly disclose the precise documentation on the missing and forcibly imprisoned persons in the territory of the Republic of Croatia, the "FR of Yugoslavia" is most wantonly violating the basic principles of the international humanitarian law.

Aware of its own doomed military, territorial and political targets on the territory of the Republic of Croatia, the "FR of Yugoslavia" is now taking its last step to accomplish its goal - keeps these persons in detention and refuses to exchange them in order to make pressure on the Republic of Croatia and thus delay the speedy realization of the UNPROFOR peace-keeping operation and slow down the process of finding a solution in compliance with the

International Peace Conference initiated by the United Nations and the European Community.

Only by its exceptionally hard making efforts the Government of the Republic of Croatia has succeeded to explain to its own suffering and displaced population how important it is to show additional understanding for the efforts of the international community in finding the solution to the crisis.

Your Excellency, highly appreciating your personal contributions, together with the efforts made by the Expert Commission for Investigation of War Crimes, which was established pursuant to paragraph 2 of Security Council resolution 780 (1992), and the reports of Mr. Tadeus Mazowiecki, Special Rapporteur to the United Nations Commission for Human Rights,

The Government of the Republic of Croatia, fully aware of your experience and authority, would be most thankful for your support in achieving:

- immediate and unconditional release and exchange of all detainees, forcibly imprisoned and sentenced Croats (in conformity with international agreements);

- free access under UNPROFOR protection to all mass graves localities in the occupied territories of the Republic of Croatia in accordance with the documentation already submitted to the United Nations;

- upon the release and exchange of all detainees, establishment of a special Joint Commission within the framework of the Peace Conference, which would systematically and finally resolve the problems of all missing persons or those detained during the aggression against the Republic of Croatia.

Be assured, Your Excellency, that the Republic of Croatia is fully cooperative and willing to fulfil all its commitments in this respect.

Vice Prime Minister

(Signed) Mate GRANIĆ, Ph.D.

Vice Prime Minister

(Signed) Vladimir ŠEKS

Enclosure

Letter dated 21 January 1993 from the Deputy Prime Ministers of Croatia addressed to the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia

On behalf of the Government of the Republic of Croatia, we wish to bring to your attention an important problem. With your personal contribution the solution of this problem may greatly enliven the spirit of the future talks and achievements of the Peace Conference.

Namely, the "FR of Yugoslavia" has repeatedly failed to fulfil their assumed commitments to the international contracts-agreements on prisoners exchanges - agreed upon by the Republic of Croatia and "the Federal Republic of Yugoslavia" in cooperation with the International Committee of the Red Cross.

The first agreement of 6 January 1991, undertaken by the Government of the Republic of Croatia and the armed forces of the then Yugoslavia (JNA), established the principles of exchange of imprisoned and detained persons irrespective of place and/or territory of imprisonment or detention and the legal and other proceedings in progress based on the "all for all" principle - in conformity with the special criteria and under the supervision of the International Committee of the Red Cross.

On the basis of the agreement which was confirmed in Sarajevo, 11 February 1992, in Pecs, 20 March 1992, and in Geneva, 28 and 29 July 1992, the Prime Ministers of the Republic of Croatia and "FR of Yugoslavia" signed the agreement on 7 August 1992, which stated that unconditional exchange of all persons was to proceed according to the data of the International Committee of the Red Cross.

The "FR of Yugoslavia" made a grave violation of the reached agreement by failing to bring the previously agreed 124 persons under its control to the place of the exchange (Nemetin) on 14 October 1992.

On 18 October 1992 (Geneva), the Government of the "FR of Yugoslavia" had again committed itself to the release of the remaining prisoners but again failed to fulfil the commitment.

Finally, the authorities of the "FR of Yugoslavia" violated the last agreement (Budapest, 16 December 1992) by refusing to exchange persons who should have already been exchanged in Nemetin, 14 October 1992.

The exchange of the remaining imprisoned and detained persons is of exceptional importance to the Republic of Croatia. Finding out more about the destiny of Croatian casualties in the war against Croatia and their return from prisons through a prisoner exchange programme will primarily put an end to the suffering of their families, who are themselves mostly refugees from

the occupied territories in the Republic of Croatia. Especially grave fact is that the detained, the forcibly taken away and the imprisoned Croats, were exposed to great atrocities in the aggression against the Republic of Croatia, the destruction of Vukovar and villages in its area, the devastation and occupation of Beli Manastir, Dalj and other towns.

Today, they are exposed to inhuman treatment in detention, together with summary and political trials. There are special political purposes in the refusal to exchange a certain number of the imprisoned Croats who had been tried while in detention in the Republic of Serbia. Among them there is a group of 12 civilians who are imprisoned in the city of Sombor. The Government of the Republic of Croatia has reason to believe that one of these persons recently died in Sombor because of the miserable conditions of imprisonment. Some of the detainees have been delivered to Serbian illegal and paramilitary formations or local authorities in the Republic of Croatia and the Republic of Bosnia and Herzegovina. Their destiny is unknown. The authorities of the "FR of Yugoslavia" together with the illegal Serbian local authorities in the occupied territories of the Republic of Croatia are responsible for almost 14,000 people, who disappeared or were forcibly taken away.

The "FR of Yugoslavia" keeps these persons in detention and refuses to exchange them for special political and military purposes: pressure on the Republic of Croatia and the delay of a speedy solution in compliance with the principles of the Peace Conference. The practice is already well known: the repeated undertaking but not observing of the legally assumed commitments on an international level.

The Government of the Republic of Croatia highly appreciates the efforts of the International Committee of the Red Cross, but holds that an immediate action on the part of the international community is needed because of the grave violations of humanitarian law and commitments which were assumed by the "FR of Yugoslavia" on an international level.

Therefore, Gentlemen, we ask you to use your authority and influence to immediately put political pressure on the authorities of the "FR of Yugoslavia" and undertake measures aimed at the fulfilment of the assumed commitments and exchange of all prisoners in accordance with recognized and established principles.

Upon solution of this particularly urgent problem of the exchange of the prisoners, we take the liberty of suggesting the establishment of a Joint Commission within the framework of the Peace Conference, which would systematically and finally resolve the problems of disappeared persons or those forcibly taken away.

We believe that your precious effort will make a great contribution to the achievements of the Peace Conference. The Republic of Croatia is ready to fully cooeprate and will fulfil all its commitments.

Deputy Prime Minister

(Signed) Vladimir ŠEKS

Deputy Prime Minister

(Signed) Mate GRANIĆ